

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

----- x

MUSHTAQ AHMAD,

Plaintiff,

– against –

NEW YORK CITY DEPARTMENT OF EDUCATION (DOE); UNITED FEDERATION OF TEACHERS (UFT); NEW YORK STATE UNITED TEACHERS (NYSUT); CARMEN FARIÑA, the Chancellor of the NYCDOE, in her official capacity; MICHAEL PRAYOR, Superintendent of the Brooklyn Schools in District 73, in his individual and official capacity; JAMES OLEARCHIK, the Principal of the School of Democracy and Leadership (SDL), in his individual and official capacity; EMILIE MITTIGA, Assistant Principal of SDL, in her individual and official capacity; CATRINA WILLIAMS, Assistant Principal of SDL, in her individual and official capacity; CEDRIC HALL, the Principal of the Eagle Academy for Young Men III (29Q327) Queens, in his official capacity; BENJAMIN GROSSMAN, Principal of Bronx Academy for Software Engineering (BASE) Bronx, in his official capacity; KATHERINE G. RODI, Director of DOE's Office of Employee Relations, in her official and individual capacity; KELLY HOUSTON, Science Chairperson/Teacher of SDL, in her official and individual capacity; JULIA FINDLEY, Teacher and a Delegate to UFT or NYSUT Delegate Assembly, in her individual and official capacity; JOHN DOES 1-3; and JANE DOES 1-3,

Defendants.

----- x

**BRITTANY J. FINDER**, declares that the following is true and correct under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am an Assistant Corporation Counsel in the office of Zachary W. Carter, Corporation Counsel of the City of New York, attorney for Defendants, the New York City Department of Education (“DOE”), Chancellor Carmen Fariña, Superintendent Michael Prayor, James Olearchik, Emilie Mittiga, Catrina Williams, Cedric Hall, Benjamin Grossman, Katherine

**DECLARATION OF  
ASSISTANT CORPORATION  
COUNSEL BRITTANY J.  
FINDER IN SUPPORT OF DOE  
DEFENDANTS' MOTION TO  
DISMISS THE COMPLAINT**

No. 18-CV-03494 (WFK) (LB)

G. Rodi, Kelly Houston, and Julia Findley (collectively, “DOE Defendants”), in the above-referenced action.

2. I submit this declaration in order to place before the Court documents in support of DOE Defendants’ Motion to Dismiss the Complaint pursuant to Federal Civil Procedure Rule 12(b)(2), (5), and (6).

3. Annexed hereto are documents which Plaintiff has incorporated into the Complaint by reference or documents of which the Court may take judicial notice. The documents annexed hereto are:

**Exhibit A:** Verified Petition in *Matter of Mushtaq Ahmad v. Chancellor Carmen Fariña et al.*, NYSED No. 17542, dated October 17, 2017.

**Exhibit B:** Determination of Commissioner of Education of the State of New York, in *Matter of Mushtaq Ahmad v. Chancellor Carmen Fariña et al.*, NYSED No. 17542, dated December 3, 2018.

**Exhibit C:** Chancellor’s Regulation C-205.

I declare under penalty of perjury that the foregoing is true and correct.

Executed On: New York, New York  
March 15, 2019

/s/  
BRITTANY J. FINDER  
Assistant Corporation Counsel